



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0016

JOHN ELIAS BALDACCI
GOVERNOR

DAVID A. COLI
COMMISSIONER

June 2, 2003
Subject: Windham / Westbrook
Project No. F-NH-014P (58) E
PIN No. 2850.10
Bid Amendment No. 2

Dear Sir/Ms.:

Please make the following changes to your Bid Package:

- 1) Delete in its entirety the "Schedule of Items" 14 pages dated 030507 and replace with the new attached "Schedule of Items" 14 pages dated 030602.
- 2) Please add the attached Special Provision Section 105 "General Scope of Work (Environmental Requirements)", one page dated 7/30/02.
- 3) Please add the attached Special Provision Section 108 "Recycled Asphalt Pavement with Bituminous Additive Performance Graded Binder Price Adjustment", 4 pages dated June 2, 2003.
- 4) Delete in its entirety Special Provision Section 403 "Hot Mix Asphalt Overlay" 2 pages dated May 8, 2003, and replace with the new attached Special Provision Section 403 "Hot Mix Asphalt Overlay" 2 pages dated May 30, 2003.
- 5) Delete in its entirety Special Provision Section 621 "Landscape", 3 pages dated March 14, 2003, and replace with the new attached Special Provision Section 621 "Landscape", 3 pages dated February 11, 2003.
- 6) Delete in its entirety Special Provision Section 656 "Temporary Soil Erosion and Water Pollution Control", 3 pages dated March 28, 2003, and replace with the new attached Special Provision Section 656 "Temporary Soil Erosion and Water Pollution Control", 3 pages dated June 2, 2003.
- 7) Please make the following changes to Plan sheet # 5 of 280 entitled "Estimated Quantities and Earthwork Summary".

a.) Change the quantities on the following Items:

- 1) Item # 621.026 "Evergreen Trees (900 MM – 1200MM) Group B"
From 18 EA. **To now read 8 EA.**
- 2) Item # 621.126 "Small Deciduous Trees (1800 MM – 2400MM) Group A"
From 5 EA. **To now read 17 EA.**



PRINTED ON RECYCLED PAPER

3) Item # 621.546 “Deciduous Shrubs (600 MM – 900MM) Group A”
From 66 EA. **To now read 88 EA.**

b.) Delete the following Items in their entirety:

1) Item # 621.127 “Small Deciduous Trees (1800 MM – 2400MM) Group B”, with a quantity of 12 EA.

2) Item # 621.396 “Dwarf Evergreens (450 MM – 600MM) Group A”, with a quantity of 12 EA.

3) Item # 621.529 “Decid. Unrooted Whip (450 MM – 600MM) Group A”, with a quantity of 1250 EA.

4) Item # 621.54 “Deciduous Shrubs (450 MM – 600MM) Group A”, with a quantity of 84 EA.

c) Add the following Items and the quantities:

1) Item # 621.027 “Evergreen Trees (900 MM – 1200 MM) Group C”, with a quantity of 10 EA.

2) Item # 621.397 “Dwarf Evergreens (450 MM – 600 MM) Group C”, with a quantity of 12 EA.

Make these changes in pen and ink.

8) The following are responses to Questions asked by the Contractors.

Question: Explain why there is an item 403.207 in unit prices, but there is no reference to the item in Section 403 except remotely under item 11?

Response: *See the changes above in Amendment # 2*

Question: In shoulders, sta. 9+440 to 10+060, base layer is 35 mm, definitely to thin to compact with 19.0 mm and marginal at best with 12.5 mm. Why?

Response: *The HMA base course for the shoulders between stations 9+440 to 10+060 will be 12.5 mm HMA. The goal is to have 75 mm as the total HMA depth in the shoulder area. Placement depths can be modified in the field if approved by the Resident.*

Question: How thick is the existing asphalt?

Response: *The following table has the existing asphalt thickness information as determined from subsurface investigations and pavement cores:*

Station	Offset (m)	Asphalt Depth (mm)
9+521	2.2 LT	230
9+676	2.3 LT	250

9+811	1.9 LT	230
9+963	2.1 LT	240
10+000	1.1 LT	250
11+000	1.1 RT	220
12+000	1.6 RT	250
13+000	0.9 RT	280
14+000	2.2 RT	250
15+000	2.3 RT	220

Question: Is there a liquid asphalt adjustment clause for the PG 64-28 used in item 309.30?

Response: *Yes, there is a liquid adjustment clause. This is in the attached Special Provision Section 108 "Recycled Asphalt Pavement with Bituminous Additive Performance Graded Binder Price Adjustment", 4 pages dated June 2, 2003.*

Consider these changes prior to submitting your bid on June 4, 2003.

Sincerely



Bruce R. Carter
Contracts Engineer

SCHEDULE OF ITEMS

REVISED:

CONTRACT ID: 002850.10

PROJECT(S): F-NH-014P(58)E

CONTRACTOR : _____

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE DOLLARS CTS	BID AMOUNT DOLLARS CTS
SECTION 0001 HIGHWAY ITEMS				
0010	201.11 CLEARING	3.000		
		HA		
0020	201.23 REMOVING SINGLE TREE TOP ONLY	89.000		
		EA		
0030	201.24 REMOVING STUMP	44.000		
		EA		
0040	202.08 REMOVING BUILDING NO.: 1	LUMP	LUMP	
0050	202.12 REMOVING EXISTING STRUCTURAL CONCRETE	20.000		
		M3		
0060	202.203 PAVEMENT BUTT JOINTS	150.000		
		M2		
0070	203.20 COMMON EXCAVATION	48125.000		
		M3		
0080	203.21 ROCK EXCAVATION	900.000		
		M3		
0090	203.25 GRANULAR BORROW	75.000		
		M3		
0100	203.35 CRUSHED STONE FILL	10.000		
		M3		

SCHEDULE OF ITEMS

REVISED:

CONTRACT ID: 002850.10

PROJECT(S): F-NH-014P(58)E

CONTRACTOR : _____

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
0110	206.061 STRUCTURAL EARTH EXCAVATION - DRAINAGE AND MINOR STRUCTURES, BELOW GRADE	500.000 M3				
0120	206.07 STRUCTURAL ROCK EXCAVATION - DRAINAGE AND MINOR STRUCTURES	165.000 M3				
0130	304.08 AGGREGATE BASE COURSE - SCREENED	2710.000 M3				
0140	304.10 AGGREGATE SUBBASE COURSE - GRAVEL	37900.000 M3				
0150	309.30 FULL DEPTH RECYCLED PAVEMENT WITH FOAM ASPHALT	87000.000 M2				
0160	403.208 HOT MIX ASPHALT 12.5 MM, SURFACE	9210.000 MG				
0170	403.209 HOT MIX ASPHALT 9.5 MM(SIDEWALKS,DRIVES, INCIDENTAL)	1250.000 MG				
0180	403.211 HOT MIX ASPHALT (SHIM)	450.000 MG				
0190	403.213 HOT MIX ASPHALT 12.5 MM, BASE	13600.000 MG				
0200	409.15 BITUMINOUS TACK COAT APPLIED	7800.000 L				
0210	411.09 UNTREATED AGGREGATE SURFACE COURSE	300.000 M3				

SCHEDULE OF ITEMS

REVISED:

CONTRACT ID: 002850.10

PROJECT(S): F-NH-014P(58)E

CONTRACTOR : _____

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE DOLLARS CTS	BID AMOUNT DOLLARS CTS
0220	411.10 UNTREATED AGGREGATE SURFACE COURSE (TRUCK MEASURE)	10230.000 M3		
0230	502.219 STRUCTURAL CONCRETE, ABUTMENTS AND RETAINING WALLS	LUMP	LUMP	
0240	502.25 STRUCTURAL CONCRETE SUPERSTRUCTURE SLABS	LUMP	LUMP	
0250	502.341 STRUCTURAL CONCRETE ROADWAY MEDIAN	335.000 M3		
0260	502.49 STRUCTURAL CONCRETE CURBS AND SIDEWALKS	LUMP	LUMP	
0270	503.12 REINFORCING STEEL, FABRICATED AND DELIVERED	2790.000 KG		
0280	503.13 REINFORCING STEEL, PLACING	2790.000 KG		
0290	511.07 COFFERDAM: SANDBAG	LUMP	LUMP	
0300	512.081 FRENCH DRAINS	LUMP	LUMP	
0310	514.06 CURING BOX FOR CONCRETE CYLINDERS	1.000 EA		
0320	515.21 PROTECTIVE COATING FOR CONCRETE SURFACES	LUMP	LUMP	

SCHEDULE OF ITEMS

REVISED:

CONTRACT ID: 002850.10

PROJECT(S): F-NH-014P(58)E

CONTRACTOR : _____

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
0330	602.30 FLOWABLE CONCRETE FILL	80.000 M3				
0340	603.159 300 MM CULVERT PIPE OPTION III	124.000 M				
0350	603.16 375 MM CULVERT PIPE OPTION I	165.000 M				
0360	603.169 375 MM CULVERT PIPE OPTION III	567.000 M				
0370	603.17 450 MM CULVERT PIPE OPTION I	96.000 M				
0380	603.175 450 MM RCP CLASS III	30.000 M				
0390	603.179 450 MM CULVERT PIPE OPTION III	302.000 M				
0400	603.189 525 MM CULVERT PIPE OPTION III	28.000 M				
0410	603.19 600 MM CULVERT PIPE OPTION I	66.000 M				
0420	603.195 600 MM RCP CLASS III	30.000 M				
0430	603.199 600 MM CULVERT PIPE OPTION III	161.000 M				

SCHEDULE OF ITEMS

REVISED:

CONTRACT ID: 002850.10

PROJECT(S): F-NH-014P(58)E

CONTRACTOR : _____

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
0440	603.205 750 MM REINFORCED CONCRETE PIPE CLASS III	63.000 M				
0450	603.209 750 MM CULVERT PIPE OPTION III	93.000 M				
0460	603.215 900 MM REINFORCED CONCRETE PIPE CLASS III	21.000 M				
0470	603.219 900 MM CULVERT PIPE OPTION III	132.000 M				
0480	603.225 1050 MM REINFORCED CONCRETE PIPE CLASS III	13.000 M				
0490	603.235 1200 MM REINFORCED CONCRETE PIPE CLASS III	42.000 M				
0500	603.239 1200 MM CULVERT PIPE OPTION III	44.000 M				
0510	603.245 1350 MM RCP CLASS III	24.000 M				
0520	604.072 CATCH BASIN TYPE A1-C	3.000 EA				
0530	604.092 CATCH BASIN TYPE B1-C	66.000 EA				
0540	604.15 MANHOLE	2.000 EA				

SCHEDULE OF ITEMS

REVISED:

CONTRACT ID: 002850.10

PROJECT(S): F-NH-014P(58)E

CONTRACTOR : _____

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
0550	604.153 1500 MM MANHOLE	2.000				
		EA				
0560	604.182 CLEAN EXISTING CATCH BASIN AND MANHOLE	1.000				
		EA				
0570	604.244 CATCH BASIN TYPE F4	4.000				
		EA				
0580	604.245 CATCH BASIN TYPE F4-C	1.000				
		EA				
0590	604.252 CATCH BASIN TYPE A5-C	3.000				
		EA				
0600	604.262 CATCH BASIN TYPE B5-C	12.000				
		EA				
0610	605.09 150 MM UNDERDRAIN TYPE B	2750.000				
		M				
0620	605.10 150 MM UNDERDRAIN OUTLET	20.000				
		M				
0630	605.11 300 MM UNDERDRAIN TYPE C	1524.000				
		M				
0640	605.12 375 MM UNDERDRAIN TYPE C	539.000				
		M				
0650	605.13 450 MM UNDERDRAIN TYPE C	130.000				
		M				

SCHEDULE OF ITEMS

REVISED:

CONTRACT ID: 002850.10

PROJECT(S): F-NH-014P(58)E

CONTRACTOR : _____

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
0660	605.15 600 MM UNDERDRAIN TYPE C	68.000 M				
0670	606.23 GUARDRAIL TYPE 3C - SINGLE RAIL	1350.000 M				
0680	606.231 GUARDRAIL TYPE 3C - 4.5 M RADIUS AND LESS	35.000 M				
0690	606.232 GUARDRAIL TYPE 3C - OVER 4.5 M RADIUS	218.000 M				
0700	606.258 CABLE RELEASING TERMINAL ANCHORAGE ASSEMBLY	27.000 EA				
0710	606.265 TERMINAL END - SINGLE RAIL - GALVANIZED STEEL	1.000 EA				
0720	606.35 GUARDRAIL DELINEATOR POST	109.000 EA				
0730	606.47 SINGLE WOOD POST	81.000 EA				
0740	606.51 MULTIPLE MAILBOX SUPPORT	7.000 EA				
0750	606.74 GUARDRAIL TYPE 3 - SINGLE RAIL BRIDGE MOUNTED	23.000 M				
0760	606.79 GUARDRAIL 350 FLARED TERMINAL	7.000 EA				

SCHEDULE OF ITEMS

REVISED:

CONTRACT ID: 002850.10

PROJECT(S): F-NH-014P(58)E

CONTRACTOR : _____

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
0770	607.24 REMOVE AND RESET FENCE	18.000 M				
0780	607.25 REMOVE AND RESET CHAIN LINK FENCE	60.000 M				
0790	607.42 ORNAMENTAL PICKET FENCE	13.000 M				
0800	609.11 VERTICAL CURB TYPE 1	51.000 M				
0810	609.12 VERTICAL CURB TYPE 1 - CIRCULAR	234.000 M				
0820	609.234 TERMINAL CURB TYPE 1 - 1.2 METER	20.000 EA				
0830	609.237 TERMINAL CURB TYPE 1 - 2.1 METER	1.000 EA				
0840	609.247 TERMINAL CURB TYPE 2 - 2.1 METER	4.000 EA				
0850	609.31 CURB TYPE 3	4650.000 M				
0860	610.08 PLAIN RIPRAP	620.000 M3				
0870	610.16 HEAVY RIPRAP	12.000 M3				

SCHEDULE OF ITEMS

REVISED:

CONTRACT ID: 002850.10

PROJECT(S): F-NH-014P(58)E

CONTRACTOR : _____

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
0880	610.18 STONE DITCH PROTECTION	170.000 M3				
0890	612.06 BITUMINOUS SEALING - BLACK	1535.000 M2				
0900	613.319 EROSION CONTROL BLANKET	7160.000 M2				
0910	615.07 LOAM	4170.000 M3				
0920	616.08 SODDING	75.000 M2				
0930	618.1301 SEEDING METHOD NUMBER 1 - PLAN QUANTITY	80.000 UN				
0940	618.1401 SEEDING METHOD NUMBER 2 - PLAN QUANTITY	580.000 UN				
0950	618.1411 SEEDING METHOD NUMBER 3 - PLAN QUANTITY	190.000 UN				
0960	619.1201 MULCH - PLAN QUANTITY	850.000 UN				
0970	620.58 EROSION CONTROL GEOTEXTILE	2300.000 M2				
0980	620.65 REINFORCEMENT GEOGRID	7440.000 M2				

SCHEDULE OF ITEMS

REVISED:

CONTRACT ID: 002850.10

PROJECT(S): F-NH-014P(58)E

CONTRACTOR : _____

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
0990	621.025 EVERGREEN TREES (900 MM - 1200 MM) GROUP A	41.000 EA				
1000	621.026 EVERGREEN TREES (900 MM - 1200 MM) GROUP B	8.000 EA				
1010	621.027 EVERGREEN TREES (900 MM - 1200 MM) GROUP C	10.000 EA				
1020	621.031 EVERGREEN TREES (1200 MM - 1500 MM) GROUP A	6.000 EA				
1030	621.032 EVERGREEN TREES (1200 MM - 1500 MM) GROUP B	10.000 EA				
1040	621.038 EVERGREEN TREES (1500 MM - 1800 MM) GROUP B	25.000 EA				
1050	621.126 SMALL DECIDUOUS TREES (1800 MM - 2400 MM) GROUP A	17.000 EA				
1060	621.196 MEDIUM DECIDUOUS TREE (45 MM - 50 MM CALIPER) GROUP B	8.000 EA				
1070	621.273 LARGE DECIDUOUS TREE (50 MM - 65 MM CALIPER) GROUP A	13.000 EA				
1080	621.397 DWARF EVERGREENS (450 MM - 600 MM) GROUP C	12.000 EA				
1090	621.546 DECIDUOUS SHRUBS (600 MM - 900 MM) GROUP A	84.000 EA				

SCHEDULE OF ITEMS

REVISED:

CONTRACT ID: 002850.10

PROJECT(S): F-NH-014P(58)E

CONTRACTOR : _____

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
1100	621.547 DECIDUOUS SHRUBS (600 MM - 900 MM) GROUP B	24.000 EA				
1105	621.552 DECIDUOUS SHRUBS (900 MM - 1200 MM) GROUP A	39.000 EA				
1110	621.80 ESTABLISHMENT PERIOD	LUMP	LUMP			
1120	622.10 TRANSPLANTING SHRUB	30.000 EA				
1130	627.711 WHITE OR YELLOW PAINTED PAVEMENT MARKING LINE (PLAN QUANTITY)	22700.000 M				
1140	627.75 WHITE OR YELLOW PAVEMENT AND CURB MARKING	150.000 M2				
1150	627.76 TEMPORARY PAVEMENT MARKING LINE, WHITE OR YELLOW	LUMP	LUMP			
1160	629.05 HAND LABOR, STRAIGHT TIME	10.000 HR				
1170	631.12 ALL PURPOSE EXCAVATOR (INCLUDING OPERATOR)	15.000 HR				
1180	631.13 BULLDOZER (INCLUDING OPERATOR)	10.000 HR				
1190	631.14 GRADER (INCLUDING OPERATOR)	10.000 HR				

SCHEDULE OF ITEMS

REVISED:

CONTRACT ID: 002850.10

PROJECT(S): F-NH-014P(58)E

CONTRACTOR : _____

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
1200	631.172 TRUCK - LARGE (INCLUDING OPERATOR)	15.000 HR				
1210	631.18 CHAIN SAW RENTAL (INCLUDING OPERATOR)	10.000 HR				
1220	631.20 STUMP CHIPPER (INCLUDING OPERATOR)	10.000 HR				
1230	631.22 FRONT END LOADER (INCLUDING OPERATOR)	10.000 HR				
1240	631.32 CULVERT CLEANER (INCLUDING OPERATOR)	10.000 HR				
1250	637.071 DUST CONTROL	LUMP	LUMP			
1260	639.18 FIELD OFFICE TYPE A	1.000 EA				
1270	639.21 TESTING FACILITIES SOILS	LUMP	LUMP			
1280	643.72 TEMPORARY TRAFFIC SIGNAL	LUMP	LUMP			
1290	652.31 TYPE I BARRICADE	40.000 EA				
1300	652.311 TYPE II BARRICADE	10.000 EA				

SCHEDULE OF ITEMS

REVISED:

CONTRACT ID: 002850.10

PROJECT(S): F-NH-014P(58)E

CONTRACTOR : _____

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE DOLLARS CTS	BID AMOUNT DOLLARS CTS
1310	652.312 TYPE III BARRICADE	4.000 EA		
1320	652.33 DRUM	240.000 EA		
1330	652.34 CONE	150.000 EA		
1340	652.35 CONSTRUCTION SIGNS	210.000 M2		
1350	652.361 MAINTENANCE OF TRAFFIC CONTROL DEVICES	LUMP	LUMP	
1360	652.38 FLAGGER	5000.000 HR		
1370	652.41 PORTABLE - CHANGEABLE MESSAGE SIGN	6.000 EA		
1380	656.75 TEMPORARY SOIL EROSION AND WATER POLLUTION CONTROL	LUMP	LUMP	
1390	657.24 SEEDING PITS	385.000 UN		
1400	658.20 ACRYLIC LATEX COLOR FINISH, GREEN	450.000 M2		
1410	659.10 MOBILIZATION	LUMP	LUMP	

SCHEDULE OF ITEMS

REVISED:

CONTRACT ID: 002850.10

PROJECT(S): F-NH-014P(58)E

CONTRACTOR : _____

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
1420	660.21 ON-THE-JOB TRAINING (BID)	3000.000 HR				
1430	823.011 GATE VALVE BOX, INSTALL ONLY	4.000 EA				
1440	823.332 GATE VALVE BOX, ADJUST TO GRADE	30.000 EA				
	SECTION 0001 TOTAL					
	TOTAL BID					

Town: Windham
PIN #: 2850.10
Date: 7/30/02

SPECIAL PROVISION
SECTION 105
General Scope of Work
(Environmental Requirements)

Instream Work shall not be allowed between the dates of October 1 through June 30.
(Instream work is allowed from July 1 through September 30.)

Stream Name(s) with Station #: Unnamed 9+534, Unnamed 9+888, Unnamed 13+758, Colley Wright Brook 14+043, Unnamed 14+395, Unnamed 14+740, Unnamed 14+900, Black Brook 15+479, Unnamed 16+080, Unnamed 16+080 through 16+307, and Unnamed 16+396.
Special Conditions: Culverts should be imbedded into the substrate at least 6 inches

Instream work consists of any activity conducted below the normal high water mark. Working in water above the normal high water mark does not meet the condition of working during low flows and therefore is prohibited.

All activities are prohibited (including placement and removal of cofferdams) below the normal high water mark and non low flow conditions during the instream work window restriction, except for the following:

- Work within a sealed and dewatered cofferdam. Maintenance pumping within a sealed cofferdam is also allowed.

No construction activity, whether temporary or permanent, is allowed that completely blocks a river, stream, or brook without providing downstream flow.

The contractor shall abide by all permits and conditions.

SPECIAL PROVISION

SECTION 108

RECYCLED ASPHALT PAVEMENT WITH BITUMINOUS ADDITIVE
PERFORMANCE GRADED BINDER PRICE ADJUSTMENT

Price adjustments will be based on the variance in costs for the performance graded binder component of recycled asphalt pavement with bituminous additive. They will be determined as follows:

Performance Graded Asphalt Binder The quantity of asphalt cement will be determined by taking the quantity of recycled asphalt pavement with bituminous additive (M^2/yd^2) and multiplying by (**INSERT APPROPRIATE FACTOR** for item ??????) times the difference in price in excess of 5 percent between the base price and the period price of asphalt cement. Adjustments will be made upward or downward, as prices increase or decrease.

Recycled Asphalt Pavement with Bituminous Additive The quantity of recycled asphalt pavement with bituminous additive will be determined from field measurements and shown on the progress estimate for each pay period.

Base Price The base price of performance graded binder to be used is the price per standard ton current with the bid opening date. This price is determined by using the average N.E. Barge Price, FOB, as listed in the Asphalt Weekly Monitor.

Period Price The period price of performance graded binder will be determined by the Department by using the average N.E. Barge Price, FOB, listed in the Asphalt Weekly Monitor current with the pay period ending date of the progress estimate.

INSTRUCTIONS: Fill in Bold sections in the Spec using the information found on the next pages.

ONLY use this spec if the quantity is greater than the threshold amount listed for the item number.

Delete the instructions and following 2 pages.

METRIC

Foamed Asphalt

<u>Depth(mm)</u>	<u>Item #</u>	<u>Threshold(M²)</u>	<u>Factor(Mg/M²)</u>
75	309.33	72,500	0.0034
100	309.34	54,250	0.0046
125	309.35	43,500	0.0057
150	309.36	36,250	0.0069

PMRAP

<u>Depth(mm)</u>	<u>Item #</u>	<u>Threshold(M²)</u>	<u>Factor(Mg/M²)</u>
50	310.22	163,000	0.0015
75	310.23	108,500	0.0023
100	310.24	81,500	0.0031
125	310.25	65,250	0.0038
150	310.26	54,250	0.0046

CIP

<u>Depth(mm)</u>	<u>Item #</u>	<u>Threshold(M²)</u>	<u>Factor(Mg/M²)</u>
62.5	310.325	145,000	0.0017
75	310.33	120,750	0.0021
87.5	310.335	103,500	0.0024
100	310.34	90,500	0.0028
112.5	310.345	80,500	0.0031

125 310.35 72,500 0.0034
US Customary

Foamed Asphalt

<u>Depth(in)</u>	<u>Item #</u>	<u>Threshold(yd²)</u>	<u>Factor(ton/yd²)</u>
3	309.33	86,750	0.0032
4	309.34	65,000	0.0042
5	309.35	52,000	0.0053
6	309.36	43,250	0.0064

PMRAP

<u>Depth(in)</u>	<u>Item #</u>	<u>Threshold(yd²)</u>	<u>Factor(ton/yd²)</u>
2	310.22	194,750	0.0014
3	310.23	129,750	0.0021
4	310.24	97,500	0.0028
5	310.25	78,000	0.0035
6	310.26	65,000	0.0042

CIP

<u>Depth(in)</u>	<u>Item #</u>	<u>Threshold(yd²)</u>	<u>Factor(ton/yd²)</u>
2 ½	310.325	173,250	0.0016
3	310.33	144,500	0.0019
3 ½	310.335	123,750	0.0022
4	310.34	108,250	0.0025
4 ½	310.345	96,250	0.0029

Westbrook-Windham
AC-F-NH-014P(58)E
Route 302
June 2, 2003

5	310.35	86,750	0.0032
----------	---------------	---------------	---------------

SPECIAL PROVISION
SECTION 403
HOT MIX ASPHALT OVERLAY

Desc. of Course	Grad. Design	Item Number	Bit Cont. % of Mix	Total Thickness	No. Of Layers	Comp. Notes
<u>Untreated Reconstruction Areas</u>						
<u>Mainline Travelway (9+440 to 10+060)</u>						
Wearing	12.5mm	403.208	N/A	40mm	1	4,7
Base	12.5mm	403.213	N/A	110mm	2/more	4,7,11
<u>Untreated Reconstruction Areas</u>						
<u>Shoulders (9+440 to 10+060)</u>						
Wearing	12.5mm	403.208	N/A	40mm	1	4,7
Base	12.5mm	403.213	N/A	35mm	1	4,7
<u>Foamed Asphalt Treated Areas</u>						
<u>Mainline Travelway</u>						
Wearing	12.5mm	403.208	N/A	40mm	1	4,7
Base	12.5mm	403.213	N/A	60mm	1	4,7
<u>Foamed Asphalt Treated Areas</u>						
<u>Normal Shoulders</u>						
Wearing	12.5mm	403.208	N/A	40-30mm	1	4,7
Base	12.5mm	403.213	N/A	60-30mm	1	4,7
<u>Foamed Asphalt Treated Areas</u>						
<u>Superelevated Shoulder Sections</u>						
Wearing	12.5mm	403.208	N/A	40mm	1	4,7
Base	12.5mm	403.213	N/A	60mm	1	4,7
<u>Widening Shoulder for Guardrail</u>						
Wearing	12.5mm	403.208	N/A	40mm	1	4,7
<u>Approach Road</u>						
<u>Travelway and Shoulders</u>						
Wearing	12.5mm	403.208	N/A	35mm	1	4,7,12
Base	12.5mm	403.213	N/A	40mm	1	4,7
<u>Drives, Misc.</u>						
Wearing	9.5mm	403.209	N/A	30mm	1/more	2,3,9,10,13

COMPLEMENTARY NOTES

2. The density requirements are waived.
3. The design traffic level for mix placed shall be <0.3 million ESALS.
4. The design traffic level for mix placed shall be 0.3 to <3 million ESALS. The design, verification, Quality Control, and Acceptance tests for this mix will be performed at **50 gyrations.**
7. Section 106.6 Acceptance, (1) Method A.
8. Section 106.6 Acceptance, (2) Method B.
9. Section 106.6 Acceptance, (2) Method C.
10. A **“FINE”** 9.5 mm mix with a gradation above or through the restricted zone shall be used for this item.

**Westbrook-Windham
AC-F-NH-014P(58)E
Route 302
May 30, 2003**

11. A mixture meeting the gradation of 19.0mm hot mix asphalt may be used at the option of the contractor.
12. A mixture meeting the gradation of 9.5mm hot mix asphalt may be used at the option of the contractor. The number of lifts and depths may need to be modified if this option is used, subject to approval by the Department.
13. A mixture meeting the requirements of section 703.09 Grading 'D', with a minimum PGAB content of 6%, and the limits of Special Provision 401, Table 9 (Drives and Sidewalks) for PGAB content and gradation may be substituted for this item. A job mix formula shall be submitted to the department for approval.

Tack Coat

A tack coat of emulsified asphalt, RS-1 or HFMS-1, Item #409.15 shall be applied to any existing pavement at a rate of approximately 0.08 L/m², and on milled pavement approximately 0.2 L/m², prior to placing a new course. A fog coat of emulsified asphalt shall be applied between shim / intermediate course and the surface course, at a rate not to exceed 0.08 L/m².

Tack used between new layers of pavement will be paid for at the contract unit price for Item 409.15 Bituminous Tack Coat.

SPECIAL PROVISIONS
SECTION 621
LANDSCAPE

(Plant Species Specification and Quantities Listing)

The following list of item numbers provides a listing of plant species quantities estimated for use on this project. Please note that the scientific name of the plant material is provided along with the common name following in parenthesis.

The Contractor shall follow MDOT Standard Specifications Revision of December 2002 for landscape materials and installation procedures (sec 621) and General Conditions, Supplemental Specifications and Supplemental Standard Details For Construction, Revision of December, 2002..

The MDOT Landscape Architect or his designee will be available to inspect plant materials and to stake the location of the plant materials at the time of planting.

Per Section 104.5.9, and in lieu of a Performance Bond, a Two-Year Guarantee will be incidental to planting on this project.

ITEM NO.	Description	Unit	Species Quantity	Item Quantity
621.025	Evergreen Trees 900 mm - 1200 mm Group A (3' - 4')			41
	Pinus strobus (Eastern White Pine)	ea.	17	
	Thuja occidentalis 'Nigra' (Dark American Arborvitae)	ea.	24	
621.026	Evergreen Trees 900 mm - 1200 mm Group B (3' - 4')			
	Picea abies (Norway Spruce)	ea.	8	
621.027	Evergreen Trees 900 mm - 1200 mm ht.) Group C (4' - 5')			10
	Picea abies (Norway Spruce)	ea.	3	
	Picea glauca (White Spruce)	ea.	7	

627.031	Evergreen Trees 1200 mm - 1500 mm ht.) Group C (4' - 5')			6
	Pinus strobus (Eastern White Pine)	ea.	6	
621.032	Evergreen Trees Group B 1200 mm - 1500 mm ht. (4' - 5')			10
	Picea abies (Norway Spruce)	ea.	7	
	Picea pungens (Colorado Spruce)	ea.	3	
621.038	Evergreen Trees 1500 mm - 1800 mm ht.) Group C (5' - 6')			25
	Picea abies (Norway Spruce)	ea.	25	
621.126	Small Deciduous Trees Group A 1800 mm - 2400 mm (6' - 8')			17
	Amelanchier Canadensis (Shadblow)		12	
	Malus floribunda 'Snowdrift' (Snowdrift Flowering Crabapple)	ea.	5	
621.196	Medium Flowering Trees Group C 45 mm - 50 mm cal. (1 3/4" - 2" cal.)			8
	Crataegus crusgalli inermis (Cockspur Thorn)	ea.	3	
	Malus 'Donald Wyman' (Donald Wyman Crabapple)		5	
621.273	Large Deciduous Trees Group A 50 mm - 65 mm cal. (2" - 2 1/2" cal.) (50 mm - 65 mm)			13
	Acer rubrum 'Autumn Flame' (Red Sunset Swamp Maple)	ea.	5	
	Acer saccharum 'Majesty' (Majesty Sugar Maple)	ea.	3	
	Quercus palustris (Pin Oak)	ea.	5	
621.397	Dwarf Evergreens Type C 450 mm - 600 mm (18" - 24")			12
	Taxus media 'Hicksi' Hick's Spreading Yew	ea.	12	
621.546	Deciduous Shrubs 600 mm - 900 mm Group A (18" - 24")			84

Windham
PIN 2850.10
February 11,2003

	Cornus amomum (Silky Dogwood)		36	
	Cornus sericea (Red Twig Dogwood)		36	
	Rosa rugosa (Beach Rose)		12	
621.547	Deciduous Shrubs Group B 600 mm - 900 mm (2' - 3')			24
	Forsythia suspensa (weeping Forsythia)		12	
	Myrica pennsylvanica (Bayberry)	ea.	12	
621.552	Deciduous Shrubs Group B 900 mm - 1200 mm 3' - 4'			39
	Amelanchier Canadensis (Shadblow)	ea.	12	
	Syringa vulgaris (Common Lilac)	ea.	27	

*

*

*

**SPECIAL PROVISION
SECTION 656**

Temporary Soil Erosion and Water Pollution Control

The following is added to Section 656 regarding Project Specific Information and Requirements. All references to the Maine Department of Transportation Best Management Practices for Erosion and Sediment Control (a.k.a. Best Management Practices manual or BMP Manual) are a reference to the latest revision of said manual. The "Table of Contents" of the latest version is dated "1/19/00" (available at <http://www.state.me.us/mdot/mainhtml/bmp/bmpjan2000.pdf>.)

Procedures specified shall be according to the BMP Manual unless stated otherwise.

Any and all references to "bark mulch" or "composted bark mix" shall be a reference to "Erosion Control Mix" in accordance with *Standard Specification, Section 619 - Mulch*.

Project Specific Information and Requirements

The following information and requirements apply specifically to this Project. The temporary soil erosion and water pollution control measures associated with this work shall be addressed in the SEWPCP.

1). This project is considered Sensitive in accordance with the BMP Manual. The project is located in the Highland Lake Watershed and crosses Colley Wright Brook and Black Brook, which are in the Presumpscot River Watershed. Highland Lake and its watershed are listed as "Most at Risk from Development" and an NPS Priority Watershed, respectively, by Maine DEP. Colley Wright Brook and Black Brook are rated Class B for water quality and the Presumpscot River Watershed is listed as an NPS Priority Watershed by Maine DEP. The Contractor's SEWPCP shall comply with Section II.B., Guidelines for Sensitive Waterbodies in the BMP Manual.

2). A preconstruction field review is mandatory for this project. The preconstruction field review shall take place before commencing any work that involves soil disturbance or potential impacts on water quality. Attendees shall include the Environmental Coordinator, the preparer of the SEWPCP, the Resident, a representative from the Department's ENV Water Resources Unit, The US Army Corps of Engineers, and The Maine Department of Environmental Protection. The date and time shall be set by the Contractor in consultation with the Resident and ENV Water Resources representative.

3). Due to the project sensitivity, **CONSTRUCTION SHALL BE PHASED** to limit the amount of disturbed area. The Contractor's SEWPCP shall include specific provisions for phasing the work. Each section must be stabilized to the approval of the Resident and the Water Resources Unit before work can begin on any subsequent section.

4). **CLEARING LIMIT LINES SHALL BE MINIMIZED.** Clearing shall be minimized as shown on the design plans. Areas to be cleared shall be discussed at the preconstruction field review.

5). Newly disturbed earth shall be mulched by the end of each workday. Mulch shall be maintained on a daily basis.

6). The SEWPCP shall describe the location and method of temporary erosion and sediment control for existing and proposed catch basins, outlet areas and culvert inlets and outlets. Permanent culvert inlet and outlet protection shall be installed within 48 hours of culvert installation, or prior to a storm event, whichever is sooner.

7). All disturbed ditches shall be stabilized by the end of each workday. Stabilization shall be maintained on a daily basis. Temporary erosion control blanket shall be installed in the bottoms of all ditches except where a stone lining is planned. Seed shall be applied prior to the placement of the blanket. Where check dams are used, they shall be constructed of stone in accordance with BMP Manual, Section 9.

8). If water is flowing within the drainage system, the water shall be diverted to a stable area or conduit and work shall be conducted in the dry. The Contractor's plan shall address when and where the diversions will be necessary.

9). Repairs to temporary erosion control practices shall occur within 24 hours after storm-related failures.

10). Permanent slope stabilization measures shall be applied within one week of the last soil disturbance. Permanent seeding shall be done in accordance with *Special Provision, Section 618, Seeding* unless the Contract states otherwise.

11). Dust control items other than those under *Standard Specification, Section 637 – Dust Control*, if applicable, shall be included in the plan.

12). The Contractor's SEWPCP shall address in-stream work at the following approximate locations:

Station 9+533
Station 9+888
Station 13+757
Station 14+043
Station 14+396
Station 14+740
Station 14+815
Station 14+900
Station 15+488
Station 16+074
Station 16+155

Station 16+396

- 13). Stream flow shall be maintained at all times.
- 14). The SEWPCP shall describe the containment method used for replacement of culverts (at the locations identified in Item 12) and the construction or modification of the box culvert at Station 14+043, including installation of cofferdams and dewatering procedures.
- 15). If cofferdam sedimentation basins are used, they shall be located in an upland area where the water can settle and seep into the ground or be released slowly to the resource in a manner that will not cause erosion. The location of such cofferdam sedimentation basins shall be addressed in the SEWPCP.
- 16). Fresh concrete used to construct or modify the box culvert at Station 14+043 and for concrete median construction shall not be allowed to enter streams. Clean out of concrete delivery trucks and the washing of tools shall be addressed in the SEWPCP.
- 17). Prior to release to a natural resource, any impounded water that has been in contact with concrete placed during construction must have a pH between 6.0 and 8.5, must be within one pH unit of the background pH level of the resource and shall have a turbidity no greater than the receiving resource. This requirement is applicable to concrete that is placed or spilled (including leakage from forms) as well as indirect contact via tools or equipment. Water not meeting release criteria shall be addressed in the SEWPCP. Discharging impounded water to the stream must take place in a manner that does not disturb the stream bottom or cause erosion.
- 18). The Contractor shall be responsible for monitoring pH with a calibrated meter accurate to 0.1 units. A record of pH measurements shall be kept in the Environmental Coordinator's log (*Standard Specification, Section 656.4.4 Inspection and Record Keeping.*)
- 19). Demolition debris (including debris from wearing surface removal, saw cut slurry, fill, dust, etc.) shall be contained and shall not be allowed to discharge to any resource. Containment and disposal of demolition debris shall be addressed in the Contractor's SEWPCP.
- 20). After November 1 the Contractor shall use winter stabilization methods, such as Erosion Control Mix as specified in *Standard Specification, Section 619 - Mulch*. If required, spring procedures for permanent stabilization shall also be described in the plan. Use of this product for over-winter temporary erosion control will be incidental to the contract and be paid for as part of Pay Item 656.75.

Permits & Cultural Resources Unit

PIN #: 2850.10

Location: Windham

Permit Member: Ben Condon

Photographs ☐

Database/Projex ☒

Package to ENV Coordinator: 5/29/03

☒ **HISTORIC AND CULTURAL RESOURCES**

MHPC Historic Resources

N/A ☐

Applicable ☒

Approved ☒

MHPC Archeological Resources

N/A ☐

Applicable ☒

Approved ☒

Tribal Consultation

N/A ☐

Applicable ☒

Approved ☐

☒ **4(f) and 6(f)**

Section 4(f)

N/A ☒

Applicable ☐

Approved ☐

LAWCON 6(f)

N/A ☒

Applicable ☐

Approved ☐

☒ **Maine Department of Environmental Protection (MDEP) Site Location of Development**

N/A ☒

Applicable ☐

Approved ☐

☒ **Local Zoning, Title 30-A, Section 4325-6.**

Is the project something other than the highway and bridge system, such as a maintenance lot, building/parking facility? Yes

☐ No ☒. If no, the project is exempt.

If yes, continue. Does the town in which the project is located have a comprehensive plan consistent with the Growth Management Program? Yes ☐ No ☐. If no, the project is exempt.

If yes, local zoning ordinances and/or permits are needed.

Approved ☐

☒ **Maine Department of Inland Fisheries and Wildlife (MDIFW) Essential Habitat**

Eagle Nest

N/A ☒

Applicable ☐

Approved ☐

Piping Plover

N/A ☒

Applicable ☐

Approved ☐

Roseate Tern

N/A ☒

Applicable ☐

Approved ☐

☒ **United States Fish and Wildlife Service (USFWS), Migratory Bird Act**

N/A ☐

Applicable ☐

☒ **Maine Department of Conservation/ Public Lands, Submerged Land Lease**

N/A ☐

Applicable ☐

☒ **Land Use Regulation Commission (LURC)** ☒ **Not Applicable**

No permit ☐

Notice ☐

Permit ☐

Approved ☐

Approved ☐

☒ **Maine Department of Environmental Protection (MDEP), Natural Resource Protection Act**

No permit required ☐

Exempt ☐

(Must use erosion and sediment control and not block fish passage.)

PBR ☐

Approved ☐

Tier 1 ☐

Approved ☐

Tier 2 ☐

Approved ☐

Tier 3 ☒

Approved ☒

☒ **Army Corps of Engineers (ACOE), Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.**

No permit required ☐

Category 1-NR ☐

Approved ☐

Category 2 ☐

Approved ☐

Category 3 ☒

Approved ☒

☒ **IN-WATER TIMING RESTRICTIONS:** 105 Special Provision ☒ n/a ☐

Dates instream work is allowed: July 1 through September 30

☒ **Special Provision 656, Erosion Control Plan**

* Boxes marked in red indicate items that are attached and need to be placed in the contract by the Project Manager.

DEPARTMENT OF THE ARMY PERMIT

Office of Environmental Services, Maine Dept. of Transportation, 16 State
Permittee House-Station, Augusta, Maine 04250.

Permit No. 200200582

Issuing Office New England District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

Place fill in conjunction with the reconstruction and widening of a 4.11-mile segment of Route 302 following the existing alignment between Westbrook and Windham, Maine. The work includes right-of-way, travel lane, and shoulder widening. The replacement of and or extension of culverts in intermittent and perennial streams and numerous crossings of wetlands impact approximately 4.44 acres including approximately 0.31 acres of stream bottom.

In accordance with the attached plans "MAINE DEPT. OF TRANSPORTATION, ROUTE 302, WINDHAM, MAINE, DOT PIN 2850.10" in 161 sheets dated "JULY 3, 2002".

Project Location:

In numerous waterways and wetlands along Route 302 between .48 miles south of the Westbrook/Windham town line and extending northerly to Fosters Corner Rotary at Windham, Maine.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on May 21 2008. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. The permittee shall ensure that a copy of this permit is at the work site whenever work is being performed and that all personnel performing work at the site of the work authorized by this permit are fully aware of the terms and conditions of the permit. This permit, including its drawings and any appendices and other attachments, shall be made a part of any and all

(Special Conditions continued on Page 4)

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

() Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

John E. Daulton May 29, 2003
(PERMITTEE) (DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

for Christine Godfrey 5-21-03
(DISTRICT ENGINEER) (DATE)
Thomas L. Koning
Colonel, Corps of Engineers

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFeree) (DATE)

(Special Conditions continued from Page 2)

contracts and sub-contracts for work which affects areas of Corps of Engineers' jurisdiction at the site of the work authorized by this permit. This shall be done by including the entire permit in the specifications for the work. If the permit is issued after construction specifications but before receipt of bids or quotes, the entire permit shall be included as an addendum to the specifications. The term "entire permit" includes permit amendments. Although the permittee may assign various aspects of the work to different unauthorized work in areas of Corps of Engineers jurisdiction. contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions of the entire permit, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps of Engineers jurisdiction.

2. Adequate sedimentation and erosion control devices, such as geotextile silt fences or other devices capable of filtering the fines involved, shall be installed and properly maintained to minimize impacts during construction. These devices must be removed upon completion of work and stabilization of disturbed areas. The sediment collected by these devices must also be removed and placed upland, in a manner that will prevent its later erosion and transport to a waterway or wetland.

3. The permittee and his contractors shall conduct a pre-construction meeting with Corps, Maine Dept. of Environmental Protection and other appropriate resource agency staff prior to construction at the project site.

4. This permit authorizes impacts to only those areas of wetlands shown on the attached plans. No other filling, clearing or other disturbance in wetlands shall occur.

5. Mitigation shall be performed in accordance with the mitigation entitled, "Windham-Westbrook (MDOT PIN 2850.10), Wetland Mitigation Plan" and dated "July, 2002".

Special Conditions Continued from Page 4

7. The permittee shall provide a draft copy of the conservation easement or deed restriction described in the mitigation plan, within 90 days of the date of this permit issuance to the Corps of Engineers for approval, in writing. Upon receipt of the approved document, the permittee shall then execute and record it with the registry of deeds having jurisdiction over the locals where the site or sites are located. A copy of the executed and recorded document must be sent to this office within 30 days of the date it was recorded. The conservation easement or deed restriction shall enable the site or sites to be protected in perpetuity from any future development. The conservation easement or deed restriction shall expressly allow for the creation, restoration, remediation and monitoring activities required by this permit on the site or sites. It shall prohibit all other filling, clearing, and other disturbances (including vehicle access) on these sites except for activities explicitly authorized by the Corps of Engineers in these approved documents.



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

MAINE DEPARTMENT OF TRANSPORTATION
Westbrook/Windham, Cumberland County
HIGHWAY RECONSTRUCTION
L-21171-TG-A-N (approval)

) NATURAL RESOURCES PROTECTION ACT
) FRESHWATER WETLAND ALTERATION
) WATER QUALITY CERTIFICATION
) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 480-A et seq. and Section 401 of the Federal Water Pollution Control Act, the Department of Environmental Protection has considered the application of the MAINE DEPARTMENT OF TRANSPORTATION with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. Summary of Proposal: The applicant proposes to rehabilitate and widen Route 302 in the Town of Windham. The project begins at the Fosters Corner Rotary in Windham and extends south 4.55 miles to Westbrook. The existing paved road is 25 feet wide with gravel shoulders. The proposed project will have 12-foot travel lanes and 8-foot paved shoulders which will allow bicycles to safely travel along the corridor. Approximately 30% of the project will have curbs and a closed drainage system to manage stormwater runoff. The horizontal alignment will follow the existing highway centerline. The proposed project requires the alteration and filling of approximately 4.44 acres of freshwater wetlands and the replacement or extension of culverts on eleven streams. The proposed project is shown on a set of plans, the first of which is entitled "Route 302, Windham, (MDOT PIN 2850.10)", prepared by Casey & Godfrey Consulting Engineers, dated July 3, 2002.

B. Site Description: The proposed project will follow the existing horizontal alignment of Route 302. This section of Route 302 is a principal arterial in the region. The land along the corridor is developed with businesses and residences.

2. WATER QUALITY AND EROSION CONTROL CONSIDERATIONS:

The applicant proposes to protect surface water quality by installing and maintaining the Best Management Practices found in its revised Erosion and Sedimentation Control Manual dated January 19, 2000. Permanent erosion control measures are shown on the plans in Exhibit 5. Temporary erosion control measures will be outlined in an Erosion Control Plan written by the contractor. The applicant requires the contractor to write and submit the Erosion Control Plan prior to construction. In addition, the applicant developed special erosion and sedimentation control measures for the project contract to

provide additional water quality protection before, during, and after project construction. The Department finds that the applicant must submit a copy of the contractor's Erosion Control Plan to the Bureau of Land and Water Quality prior to the start of construction. The Department further finds that the applicant's proposed erosion control plan is adequate to protect water quality provided that all measures are properly installed and maintained until the site is stabilized with vegetation or other permanent measures.

3. HABITAT CONSIDERATIONS:

The Department of Inland Fisheries and Wildlife (IF&W) reviewed the proposed project and commented that the proposed project would not impact any essential or significant wildlife habitats or other wildlife habitats of special concern. All of the streams along the corridor support resident fish, but Colley Wright Brook is the only stream that supports a recreational coldwater fishery. IF&W recommended that all instream work be performed during low water from July 1 to September 30 and all culverts be imbedded a minimum of 6 inches into the substrate to allow fish passage. The applicant agreed to follow these recommendations.

4. WETLAND CONSIDERATIONS:

The applicant proposes to alter approximately 4.44 acres of freshwater emergent, scrub-shrub and forested wetlands along the project corridor. The three primary functions being impacted by the project are flood storage, water quality protection and wildlife habitat.

The Wetland Protection Rules, Chapter 310, require that the applicant meet the following standards:

a. Avoidance. No activity, which would cause a loss in wetland area, functions and values, will be permitted if there is a practicable alternative to the project that will be less damaging to the environment. The applicant proposes to reconstruct Route 302 along the existing horizontal alignment to avoid additional wetland impacts. The Department finds that the applicant selected the least environmentally damaging practicable alternative that meets the project purpose.

b. Minimal Alteration. The project is required to minimize the amount of wetland impact while meeting the project's purpose. The applicant proposes to minimize wetland impacts by eliminating ditching in wetlands, reducing road side slopes to 3:1 and not installing guardrails next to wetlands.

c. Compensation. The applicant is required to replace lost wetland functions and values associated with project impacts. The Wetland Protection Rules require minimum compensation ratios to replace lost functions and values. These ratios are 1:1 for impacts in wetlands not of special significance, 2:1 for impacts in wetlands of special significance, and 8:1 for preservation in all wetlands. The required compensation amount for the proposed project is 4.97 acres. Four compensation sites were identified by the

applicant and evaluated during an interagency site visit on March 8, 2002. Based on this site visit, and input from the regulatory agencies, the applicant selected credits from the Maine Wetland Bank in Westbrook and the preservation of the Waycott parcel in Westbrook as the proposed compensation package.

The Maine Wetland Bank is a private entity that restored freshwater wetlands in an existing industrial park in Westbrook. This restoration resulted in approximately 4.0 acres of restoration credit for flood storage, water quality, and wildlife habitat and approximately 0.25 acre of preservation credit. The applicant purchased 1.50 acres of restoration credit to compensate for the freshwater wetland impacts of the I-295 interchange project in Portland which was previously approved by the Department (L-20309-31-A-N). The applicant proposes to use the remaining 2.75 acres of credit available from the Maine Wetland Bank as partial compensation for the proposed Route 302 project.

The applicant also proposes to preserve the entire 63.0 acre Waycott parcel which is a freshwater forested and scrub-shrub wetland bisecting Route 302 and bordering Highland Lake. The parcel is an important wetland complex that provides water quality protection to Highland Lake and wildlife habitat in a highly developed area of Westbrook. The Waycott parcel will provide 7.87 acres of preservation credit. The applicant requests that 2.22 acres be used for the proposed project and that the remaining 5.65 acres of preservation credit be available for future regional highway projects that require compensation. The applicant proposes to protect the Waycott parcel in perpetuity with covenants and deed restrictions.

The Department finds that the applicant met the standard for compensation by offsetting the loss of wetland functions and values for 4.97 acres of wetland impacts. The Department finds that the applicant must submit to the Bureau of Land and Water Quality a copy of the recorded covenants and deed restrictions prior to the start of construction to insure that this parcel remains undeveloped in perpetuity. The Department further finds that the applicant may bank approximately 5.65 acres of preservation credit to compensate for future highway projects.

5. OTHER CONSIDERATIONS:

The Department has not identified any other issues involving existing scenic, aesthetic, or navigational uses, the natural transfer of soil, natural flow of water, or flooding.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 480-A et seq. and Section 401 of the Federal Water Pollution Control Act:

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.

- B. The proposed activity will not cause unreasonable erosion of soil or sediment provided that the applicant submits to the Department a copy of the contractor's Erosion Control Plan prior to construction.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any freshwater wetland plant habitat provided that the recorded covenants and deed restrictions are submitted to the Department prior to construction.
- E. The proposed project will not unreasonably harm any significant wildlife habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life.
- F. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- G. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.
- H. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- I. The proposed activity is not on or adjacent to a sand dune.
- J. The proposed activity is not on an outstanding river segment as noted in Title 38 M.R.S.A. Section 480-P.

THEREFORE, the Department APPROVES the above noted application of the Maine Department of Transportation for Route 302 highway reconstruction, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

1. Standard Conditions of Approval, a copy attached.
2. The applicant shall take all necessary measures to ensure that its activities or those of its agents do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.
3. The applicant shall submit to the Bureau of Land and Water Quality a copy of the contractor's Erosion Control Plan prior to the start of construction.

4. The applicant shall submit to the Bureau of Land and Water Quality a recorded copy of the covenants and deed restrictions for the Waycott parcel prior to the start of construction.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED AT AUGUSTA, MAINE, THIS 4th DAY OF April, 2003.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By:

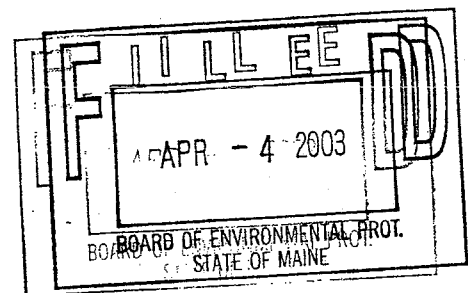

DAWN R. GALLAGHER, COMMISSIONER

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

Date of initial receipt of application 11/08/2002

Date of application acceptance 11/18/2002

Date filed with Board of Environmental Protection
DBB/L21171AN



**NATURAL RESOURCE PROTECTION ACT (NRPA)
STANDARD CONDITIONS**

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCE PROTECTION ACT, TITLE 38, M.R.S.A. SECTION 480-A ET.SEQ. UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

- A. **Approval of Variations From Plans.** The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. **Compliance With All Applicable Laws.** The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. **Erosion Control.** The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. **Compliance With Conditions.** Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other than specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. **Initiation of Activity Within Two Years.** If construction or operation of the activity is not begun within two years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits shall state the reasons why the applicant will be able to begin the activity within two years from the granting of a new permit, if so granted. Reapplications for permits may include information submitted in the initial application by reference.
- F. **Reexamination After Five Years.** If the approved activity is not completed within five years from the date of the granting of a permit, the Board may reexamine its permit approval and impose additional terms or conditions to respond to significant changes in circumstances which may have occurred during the five-year period.
- G. **No Construction Equipment Below High Water.** No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- H. **Permit Included In Contract Bids.** A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- I. **Permit Shown To Contractor.** Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.

Revised (4/92)

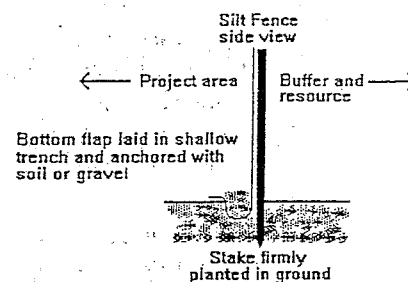
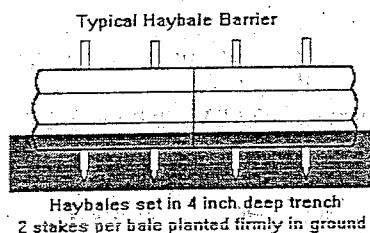
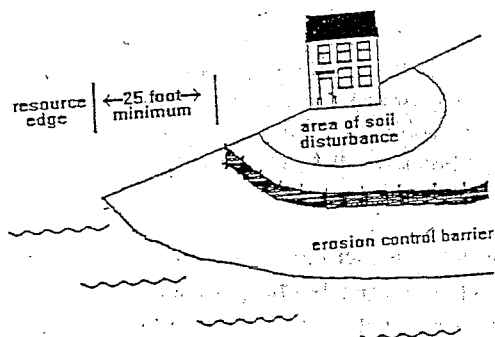
DEP LW147



Erosion Control

Before Construction

1. If you have hired a contractor, make sure you have discussed your permit with them. Talk about what measures they plan to take to control erosion. Everybody involved should understand what the resource is and where it is located. Most people could identify the edge of a lake or a river. The edges of wetlands, however, are often not obvious. Your contractor may be the person actually pushing dirt around but you are both responsible for complying with the permit.
2. Call around and find sources for your erosion controls. You will probably need silt fence, hay bales and grass seed or conservation mix. Some good places to check are feed stores, hardware stores, landscapers and contractor supply houses. It is not always easy to find hay or straw during late winter and early spring. It may also be more expensive during those times of year. Plan ahead. Purchase a supply early and keep it under a tarp.
3. Before any soil is disturbed, make sure an erosion control barrier has been installed. The barrier can be either a silt fence, a row of staked hay bales, or both. Use the drawings below as a guide for correct installation and placement. The barrier should be placed as close as possible to the activity.
4. If a contractor is installing the barrier, double check it as a precaution. Erosion control barriers should be installed "on the contour", meaning at the same level along the land slope, whenever possible. This keeps stormwater from flowing to the lowest point of the barrier where it builds up and overflows or destroys it.



During Construction

1. Use lots of hay or straw mulch on disturbed soil. The idea behind mulch is to prevent rain from striking the soil directly. It is the force of raindrops striking the soil that causes a lot of erosion. More than 90% of erosion is prevented by keeping the soil covered.
2. Inspect your erosion control barriers frequently. This is especially important after a rainfall. If there is muddy water leaving the project site, then your erosion controls are not working as intended. In that situation, stop work and figure out what can be done to prevent more soil from getting past the barrier.

After Construction

1. After the project is complete, replant the area. All ground covers are not equal. For instance, a mix of creeping red fescue and Kentucky bluegrass is a good choice for lawns and other high maintenance areas. The same mix would not be a good choice for stabilizing a road shoulder or a cut bank that you don't intend to mow.
2. If you finish your project after September 15, then do not spread grass seed. There is a very good chance that the seed will germinate and be killed by a frost before it has a chance to become established. Instead, mulch the site with a thick layer of hay or straw. In the spring, rake off the mulch and seed the area. Don't forget to mulch again to hold in moisture and prevent the seed from washing away.
3. Keep your erosion control barrier up and maintained until the area is permanently stabilized.

STANDARD CONDITIONS

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCE PROTECTION ACT, TITLE 38, M.R.S.A. SECTION 480-A ET.SEQ. UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

- A. Approval of Variations From Plans. The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. Compliance With All Applicable Laws. The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. Erosion Control. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. Compliance With Conditions. Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other than specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. Initiation of Activity Within Two Years. If construction or operation of the activity is not begun within two years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits shall state the reasons why the applicant will be able to begin the activity within two years from the granting of a new permit, if so granted. Reapplications for permits may include information submitted in the initial application by reference.
- F. Reexamination After Five Years. If the approved activity is not completed within five years from the date of the granting of a permit, the Board may reexamine its permit approval and impose additional terms or conditions to respond to significant changes in circumstances which may have occurred during the five-year period.
- G. No Construction Equipment Below High Water. No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- H. Permit Included In Contract Bids. A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- I. Permit Shown To Contractor. Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.